

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MASSACHUSETTS

ANGIODYNAMICS, INC.,

Plaintiff,

vs.

BIOLITEC, INC., BIOLITEC AG, BIOMED
TECHNOLOGY HOLDINGS LTD., and
WOLFGANG NEUBERGER,

Defendants

C. A. No. 09-cv-30181-MAP

BIOLITEC AG'S
MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS

Now come the Defendants, Biolitec AG, Biomed Technology Holdings Ltd. and Wolfgang Neuberger (collectively, "Biolitec AG") and hereby move, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, for Partial Judgment on the Pleadings; and, in particular, seek dismissal of Count 4 of the Amended Complaint, which asserts fraudulent transfer claims against Biolitec AG, to the extent that count seeks:

- (i) avoidance or recovery of allegedly fraudulent transfers made by Biolitec, Inc. to entities that are not parties to this action; and
- (ii) judgment in the amount of allegedly fraudulent invoices that Biolitec, Inc. never paid.

In further support of this motion, Biolitec AG incorporates herein by reference its Memorandum of Law, and the exhibits annexed thereto, all filed herewith.

Pursuant to Local Rule 7.1(A)(2), on March 27, 2013, the undersigned counsel attempted to confer with counsel for AngioDynamics, Inc. and the parties are unable to resolve or narrow their areas of dispute.

DENIED, for the reasons set forth in Plaintiff's opposition. The motion comes too late, and to the extent that the arguments have merit, the court may reconsider them at trial, so ordered.
Michael B. Pourn 5/15/13 5.15.